

IN RE: PETITION FOR RESIDENTIAL * BEFORE THE
ZONING VARIANCE *
N/S of Broadway Road, 250 ft. * ZONING COMMISSIONER
W of the c/l of Ridgemont Road *
1406 Broadway Road * OF BALTIMORE COUNTY
8th Election District *
3rd Councilmanic District * Case No. 98-419-A
John W. Wright, Petitioner *
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by John W. Wright, property owner, for that property known as 1406 Broadway Road in the Lutherville section of Baltimore County. The Petitioner/property owner herein seeks a variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to allow a swimming pool in the side yard in lieu of the required rear yard in an R.C.5 zone. The property and relief sought are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

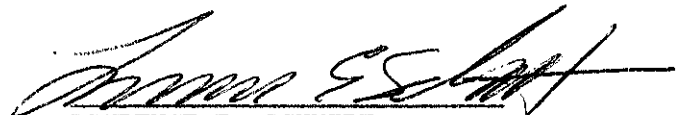
The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of June 1998 that the Petition for a Zoning Variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to allow a swimming pool in the side yard, in lieu of the required rear yard in an R.C.5 zone, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING
Date 6/4/98
By GR



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

June 3, 1998

Mr. John W. Wright
1406 Broadway Road
Lutherville, Maryland 21093

RE: Petition for Administrative Variance
Case No. 98-419-A
Property: 1406 Broadway Road

Dear Mr. Wright:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1406 Broadway Rd

which is presently zoned RC5

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

*gmm Section 400.1, BCZR, To allow A swimming Pool in The SIDEYARD
in lieu of P. The REQUIRED REARYARD.*

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

SEE ATTACHMENT # 1

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address Phone No

City State Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

JOHN W. WRIGHT

(Type or Print Name)

Signature

(Type or Print Name)

Signature

1406 Broadway Rd 410
Address Phone No

Laureville MD 21093
City State Zipcode

Name, Address and phone number of representative to be contacted

Same OFFICE 410
Name Phone No

Address Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County this ___ day of _____ 19___ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: *gmm*

DATE: *5-5-98*

ESTIMATED POSTING DATE

5-17-98



Printed with Soybean Ink
Recycled paper

98-419-A

ITEM #:

419

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1406 Broadway
address
Lutherville MD 21093
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

See Attached

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

John W. Wright
(signature)
JOHN W. WRIGHT
(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4TH day of MAY, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JOHN W. WRIGHT

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

5-4-98
date

Anne Marie Holt
NOTARY PUBLIC

My Commission Expires: 2-1-01

Anne Marie Holt

A-914-89

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1406 Broadway
address
Lutherville MD 21093
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

See Attached

ATTACHMENT # 1

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

John W. Wright
(signature)
JOHN W. WRIGHT
(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4TH day of MAY, 19 98, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JOHN W. WRIGHT

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

5-4-98
date

Donna Marie Holt
NOTARY PUBLIC

My Commission Expires: 2-1-01

A-914-89



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1406 Broadway Rd

which is presently zoned RC5

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

gmm Section 400.1, BC22, To allow A swimming Pool IN THE SIDEYARD
IN lieu of The Required REARYARD.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHMENT #1

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

JOHN W. WRIGHT

(Type or Print Name)

Signature

(Type or Print Name)

Signature

1406 Broadway Rd ⁴¹⁰ 252-8770

Address

Phone No

Lutherville MD 21093

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Same OFFICE 410 771-4900

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County this ____ day of _____ 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: *gmm*

DATE: *5-6-98*

ESTIMATED POSTING DATE: *5-17-98*

ITEM #: *419*

98-419-A

PETITION FOR ADMINISTRATIVE VARIANCE

ATTACHMENT # 1

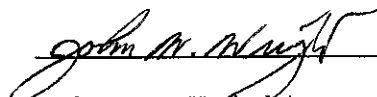
Constructing an inground swimming pool in the rear of my house would create a considerable impediment to the beauty and line of sight not only for myself, but for my neighbors as well. Virginia Smart (my immediate neighbor to the East) has an inground swimming pool on the side of her home and this location has considerably preserved the beauty of the rolling landscape.

Two of my adjacent neighbors have already stated that the proposed location (between my home and garage) would clearly be the most inconspicuous and logical site for the pool to be located. The proposed location would be barely visible from any of my neighbor's property. I am 100% sure that my remaining neighbors will prefer the pool to be as inconspicuous as possible by locating it as requested by this Administrative Variance Petition. I will obtain written support from my immediate neighbors if this becomes a prerequisite for approval.

Also, a pool in the rear yard would require the removal of a large red Japanese maple and a flowering dogwood (both are mature, specimen trees). In addition, the substantial grading changes would require construction of one or more retaining walls to compensate for the five to eight foot change in elevation. The expenses associated with these additional and unsightly measures would be in the \$10,000 to 12,000 range.

Thank you very much for considering this request which is clearly in the best interest of everyone involved.

419



John W. Wright
1406 Broadway Road
Lutherville, Md. 21093

LUTHERVILLE, MARYLAND 21093
ZONING DESCRIPTION FOR 1406 BROADWAY ROAD

Election District 8 (address)
Councilmanic District 3

Beginning at a point on the NORTH side of _____
(north, south, east or west)
BROADWAY RD. which is 30ft.
(street on which property fronts) (number of feet of right-of way width)
wide at a distance of 250'± WEST of the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street RIDGEMONT RD.
(name of street)
which is 30ft. wide. *Being Lot # 4
(number of feet of right-of-way width)
Block A, Section # 1 in the subdivision of
RIDGEMONT as recorded in Baltimore County Plat
(name of subdivision)
Book # 23, Folio # 48, containing
40,872 SQ.FT. .94 ACRES
(square feet and acres)

419

98-419-A

A-914.82

BALTIMORE COUNTY, MARYLAND		No. 353725	
OFFICE OF BUDGET & FINANCE			
MISCELLANEOUS RECEIPT			
DATE	5.6.98	ACCOUNT	6061-6150
RECEIVED FROM:	161 Wright	AMOUNT	\$ 50.00
FOR:	M. Van (100)		
DISTRIBUTION		PINK - AGENCY	YELLOW - CUSTOMER
WHITE - CASHIER			

PAID RECEIPT
PROCESS ACTUAL THE
5/05/1998 5/06/1998 08:16:34
REG 4883 CASHIER WILL VAN WARMER
5 MISCELLANEOUS CASH RECEIPT
Receipt # 045181
CR NO. 053725
50.00 CASH
Baltimore County, Maryland

98-419-A

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ADMIN. VAR.

RE. Case No: 98-419-A

Petitioner/Developer: % P.M. O'KEEFE, ETAL

MEM. WRIGHT, OWNERS

Date of Hearing/Closing: 6/1/98

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at # 1406 BROADWAY RD.

The sign(s) were posted on _____

5/11/98

(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 5/12/98

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

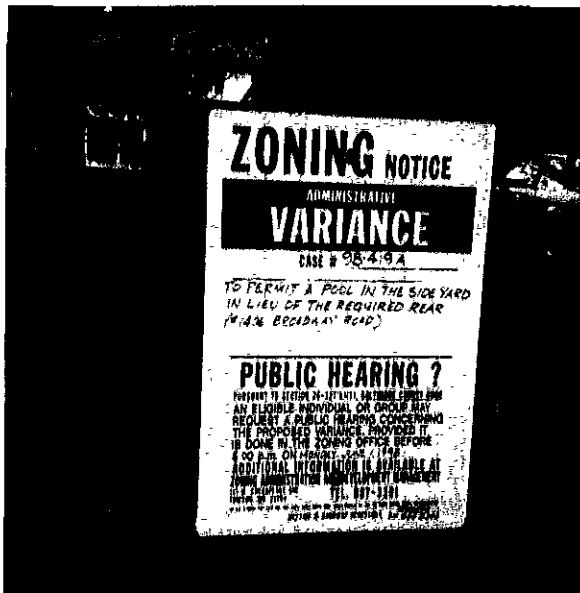
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571

(Telephone Number)



#1406 BROADWAY RD

98-419-A

6/1/98

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 98- 419 -A

Address 1406 BROADWAY RD.

Contact Person: J. Mearns
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 5.6.98

Posting Date: 5.17.98

Closing Date: 6.1.98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 98- 419 -A Address 1406 BROADWAY RD.

Posting Date: 5.17.98 Closing Date: 6.1.98

Wording for Sign: To Permit A Pool IN The SIDEYARD IN
LIEY OF The REQUIRED REAR.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 27, 1998

Mr. John W. Wright
1406 Broadway Road
Lutherville, MD 21093

RE: Item Number: 419
Case Number: 98-419-A
Petitioner: John W. Wright

Dear Mr. Wright:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 6, 1998.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Gwen Stephens in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive script.

W. Carl Richards, Jr.
Zoning Supervisor

WCR:rye

Enclosures



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: May 18, 1998

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item No. 413, 418, 419, 420, 421, 422, 424, and 426

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

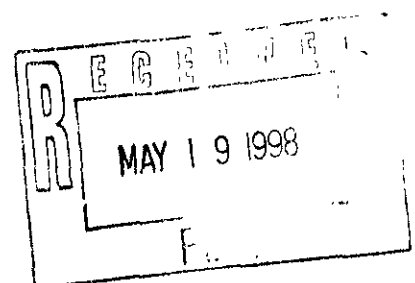
Prepared by:

Jeffrey W. Long

Division Chief:

Gayle L. Kerns

AFK/JL



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM
FROM: R. Bruce Seeley *RBS*
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: *May 18, 98*

DATE: *5/20/98*

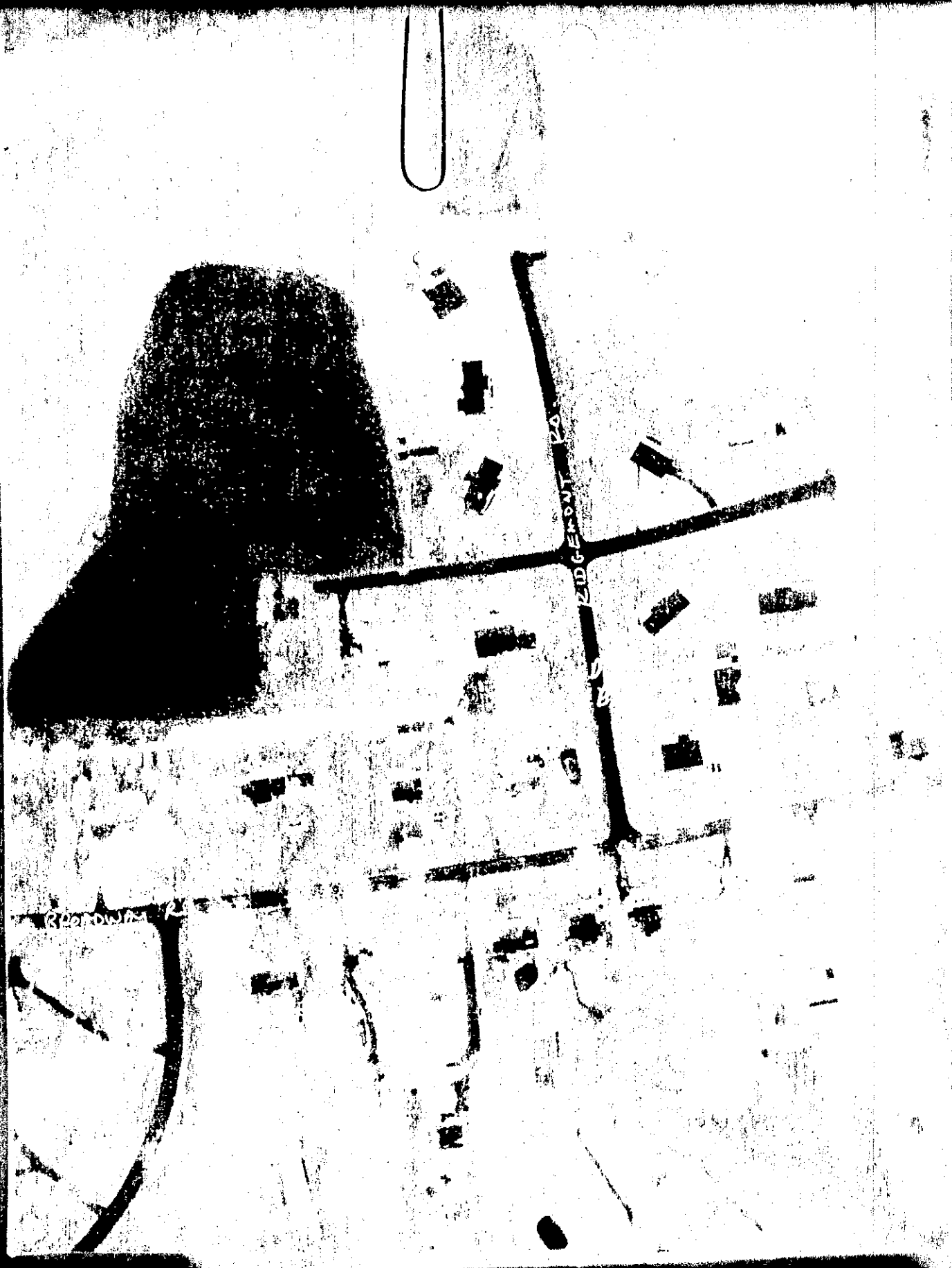
The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

<i>416</i>	<i>423</i>
<i>417</i>	<i>424</i>
<i>419</i>	<i>425</i>
<i>420</i>	<i>426</i>

RBS:sp

BRUCE2/DEPRM/TXTS8P



419

NW 14-I

98.419-A

B. G. & E. CO. POWER

R.C. 5

419

RIDGEMONT

ROAD

CHIPPENDALE

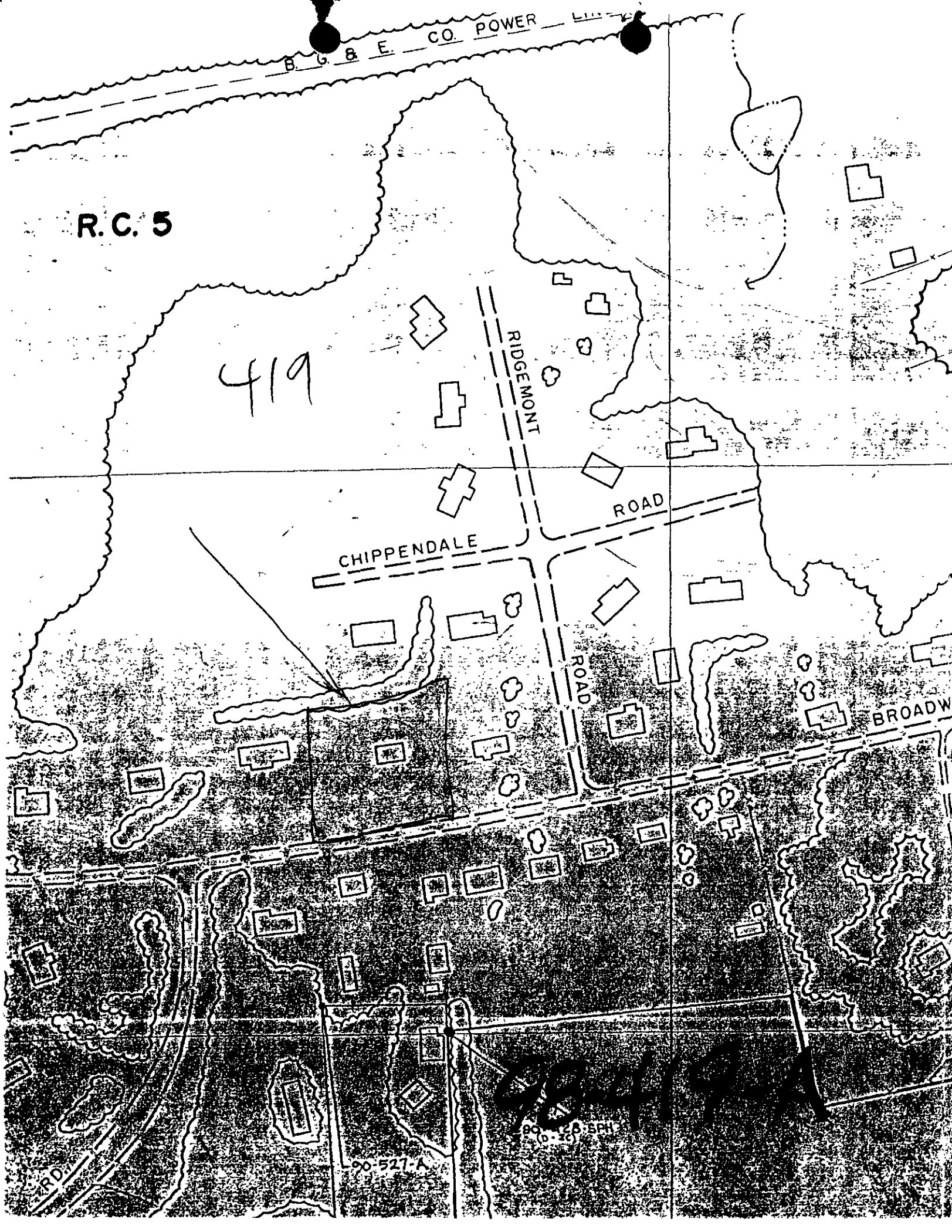
ROAD

BROADW

984

90-527-A

90-527-A





R.C. 5

MEYLLSTON
DRIVE

HEDGE

NW 14

NW 14

90-195-A

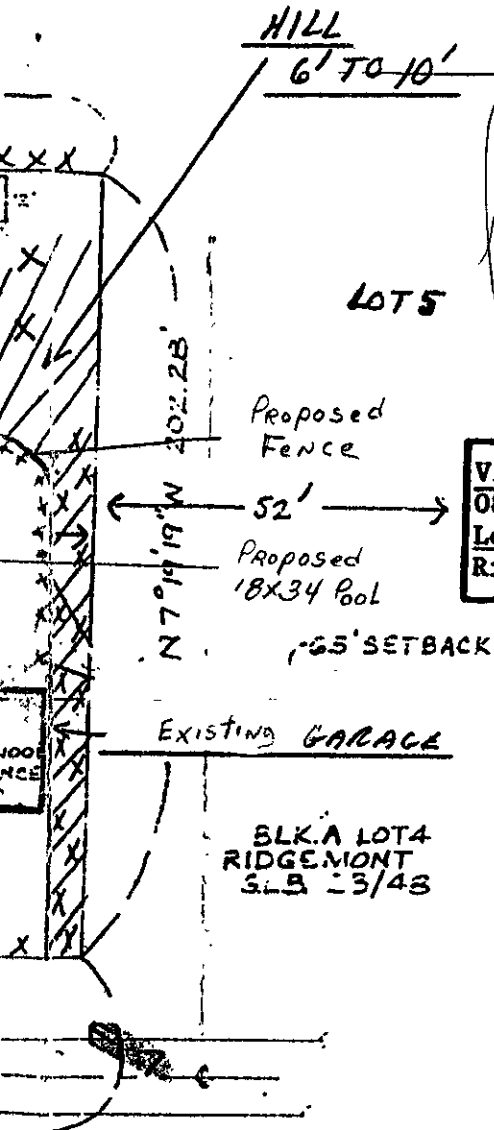
R.C. 5

MUSGROVE
RD

or Zoning ☒ Variance ☐ Special Hearing

11e, Md. 21093 see pages 5 & 6 of the CHECKLIST for additional required information

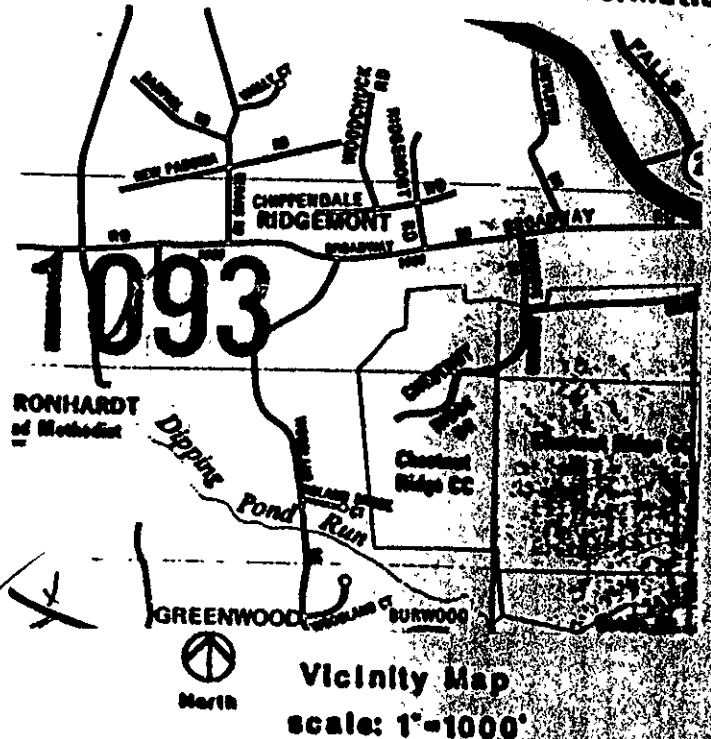
PHOTOGRAPHS



Virginia B. Smart
 08-19-052770
 Lot 0005 Card 04482
 Ridgemont

JOHN W. WRIGHT
John W. Wright

ng: 1" = 50'



LOCATION INFORMATION

Election District: 8
 Councilmanic District: 3
 1"-200' scale map#: NW 14 D
 Zoning: RC 5
 Lot size: .94 acreage 40,872 square feet

SEWER: ☐ public ☒ private
 WATER: ☐ public ☒ private

Chesapeake Bay Critical Area: ☐ No ☒ Yes

Prior Zoning Hearings:

Case # 94-73A
 Item # 83

98-419-A

Zoning Office USE ONLY

reviewed by: ITEM #: CASE#:

JWM 419

Scale of Drawing



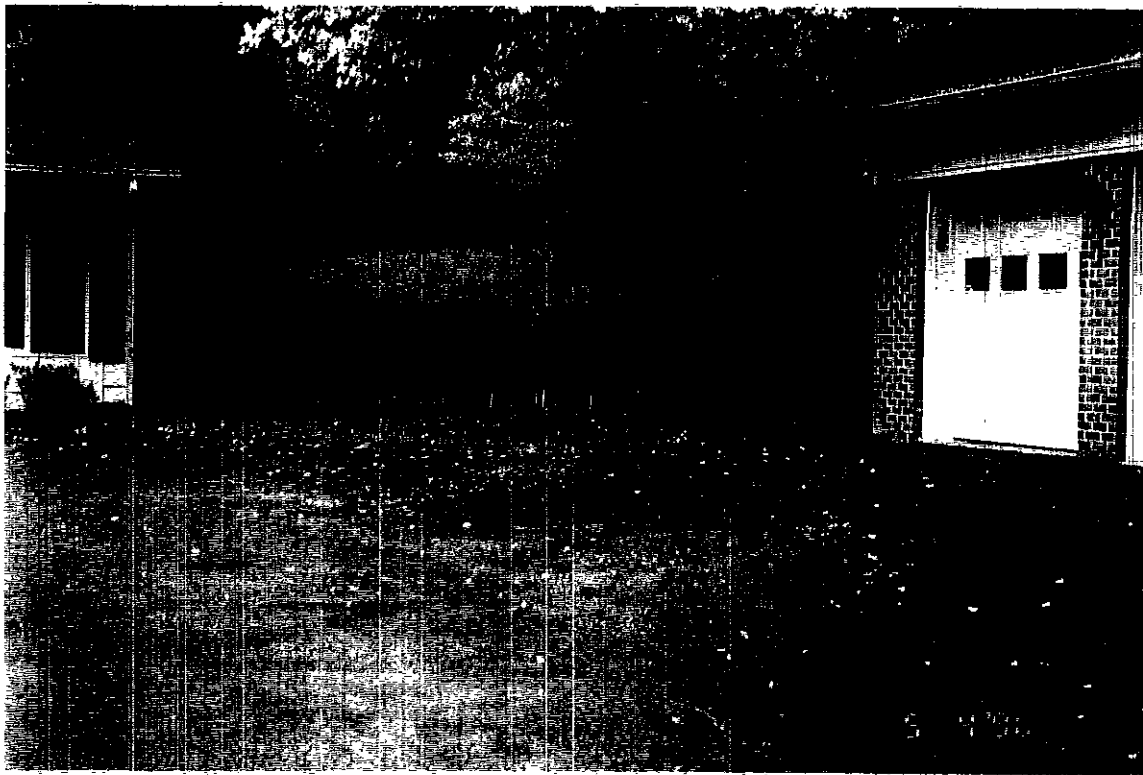
98-419-A



98-419-A



98-419-A



98-419-A



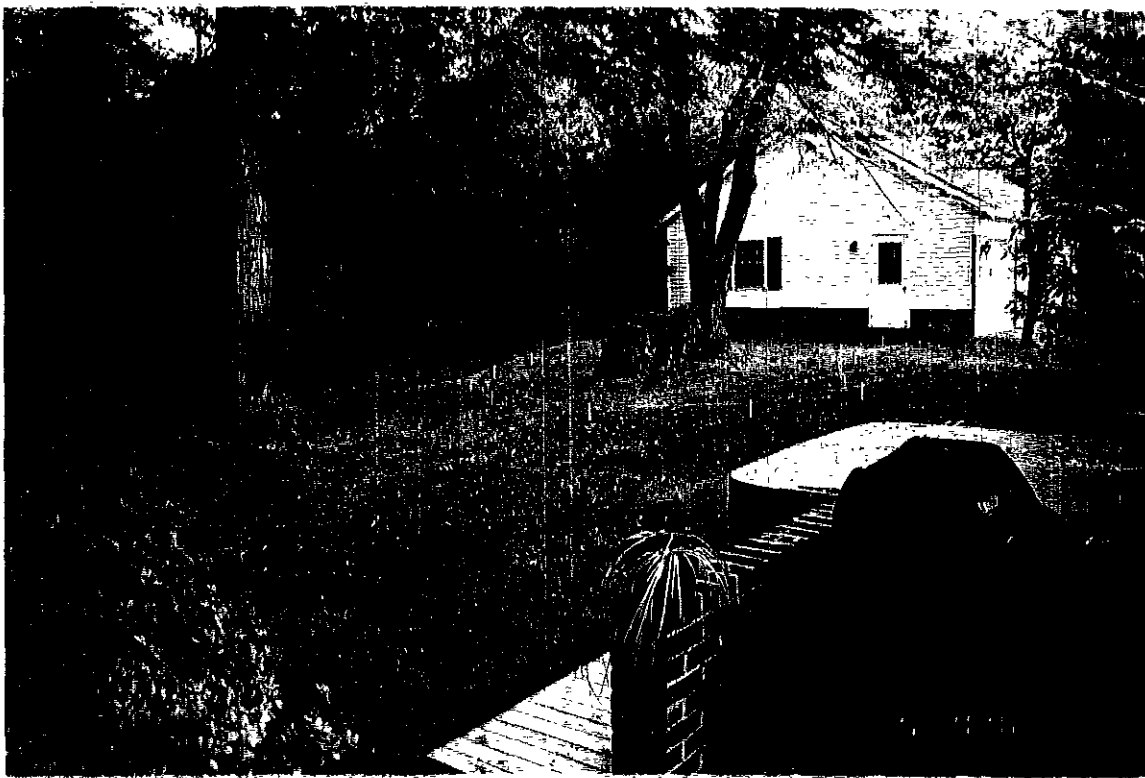
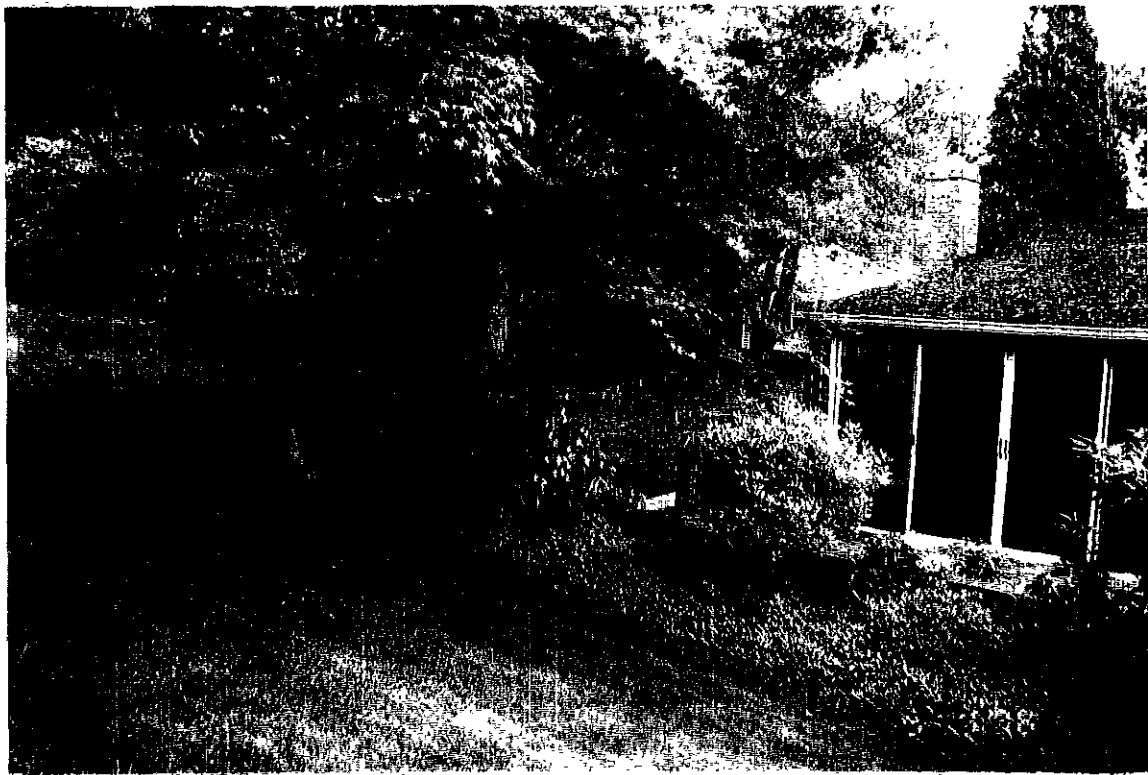
98.419-A



98-419-A



98-419-A



98.419-A